In the High Court of Judicature at Madras

Dated:01.09.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice S. MANIKUMAR

Habeas Corpus Petition No.602 of 2006

Kutty .. Petitioner

vs.

1. The State rep. by its
   Secretary to Government
   Backward Class Welfare and
   Bonded Labours Rescue Department
   Ezhilagam, Chennai 600 005.

2. The District Collector
   Salem District
   Salem.

3. The Superintendent of Police
   Salem District, Salem.

4. The Inspector of Police
   Tharamangalam Police Station
   Tharamangalam
   Omalur Taluk, Salem District.

5. The Inspector of Police
   Koothukanalli (Pogipaliya Pandai)
   Sarjapura Police Station
   Karnataka State.

6. Mohan .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. T.M. Ramalingam
For respondents 1 to 5 : Mr. I. Paul Noble Devakumar
Government Advocate (Crl.side)

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name Kutty has filed this petition seeking direction to the respondents for production of 19 named persons in this petition from the illegal custody of the 6th respondent before this Court and set them at liberty.

2. Pursuant to the orders of this Court, all the 19 detenus were produced before this Court by the 4th respondent on 25.07.2006. The learned counsel appearing for the petitioner has admitted the presence of all the 19 detenus before this Court. After enquiring them, leaving the question whether the detenus were working as bonded labourers or not under 6th respondent undecided, the earlier Bench set all the detenus at liberty on 25.07.2006.

3. Today, learned Government Advocate (Crl.side) produced a Xerox copy of letter dated 22.07.2006 from B.Shivaiah, K.A.S./Tahsildar, Anekal Taluk, addressed to the District Collector, Salem, wherein it is stated that pursuant to the directions, he deputed the Deputy Tahsildar, Sarjapura Hobli to enquire and report and the said Deputy Tahsildar visited the spot on 22.07.2006 along with the Revenue Inspector, Sarjapura Hobli and the Sub-Inspector of Police, Tharamangalam. The following information in the said letter is relevant:

> "After detailed enquiry, the Deputy Thasildar, Sarjapura has reported that the following persons are working as labourers on contract basis at Bogipalmapandy near Koothaganahally, Sarapura Hobli, Anekal Taluk. Since the quarry work is stopped last one month back, the labourers have no work in quarry and they are working as agricultural labourers in nearby Koothaganahally for their livelihood. I also personally enquired the following persons, found that they are working as labourers. As such this persons have been released and handed over to the custody of Sri D. Jayaprakasham, Sub-Inspector of Police, Tharamangalm, for taking further action in this behalf, as they are not coming under provinces of Bonded Labour Act, 1976."

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4. The above information shows that the detenus/labourers are working as agricultural labourers in a nearby village and they went out of quarry in question, which is owned by the 6th respondent. The enquiry of the revenue officials shows that they are working as labourers and there is no material to show that they were treated as bonded labourers at the hands of 6th respondent. In view of the information furnished by the revenue officials concerned and taking note of the fact that the detenus were set at liberty by orders of this Court dated 25.07.2006, we are satisfied that no further adjudication is required in this petition; hence, the same is closed.

Kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary to Government
   Backward Class Welfare and
   Bonded Labours Rescue Department
   Ezhilagam, Chennai 600 005.
2. The District Collector
   Salem District
   Salem.
3. The Superintendent of Police
   Salem District, Salem.
4. The Inspector of Police
   Tharamangalam Police Station
   Tharamangalam
   Omalur Taluk, Salem District.
5. The Inspector of Police
   Koothukanalli (Pogipaliya Pandai)
   Sarjapura Police Station
   Karnataka State.
6. The Public Prosecutor,
   High Court, Madras.

Order in
H.C.P.No.602 of 2006

PV(CO)
SR/7.9.2006

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